

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: SAMUEL SUK SYN, L.Ac.
 License No.: 0121-000009**

CONSENT ORDER

In accordance with Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Samuel Suk Syn, L.Ac., on June 5, 1999, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: Joseph A. Leming, M.D., Chairman; J. Kirkwood Allen; and Clarke Russ, M.D. Dr. Syn appeared personally and was represented by legal counsel, Stephen D. Rosenthal, Esquire. The purpose of the informal conference was to inquire into allegations that Dr. Syn may have violated certain laws and regulations governing the practice of acupuncture in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated April 6, 1999.

FINDINGS OF FACT

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact:

1. Dr. Syn provided treatment to Patient A from on or about July 9, 1998, to on or about July 29, 1998, for his complaint of deteriorating spine and hip pain. Dr. Syn stated that he initially requested Patient A to provide a written referral, but admitted to the Committee that he failed to obtain a written referral from Patient A's treating physician at any time during his initial or subsequent treatment. Dr. Syn additionally admitted that he did not contact Patient A's referring physician at any time before or after Patient A's initial visit in order to conduct a periodic review of the treatment he was providing to Patient A.

2. In the 1998 Bell Atlantic Yellow Pages for the Northern Virginia area, Dr. Syn published or caused to be published an advertisement which could be misleading to the public. Specifically, Dr. Syn used

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the title “Dr.” in connection with his name, with the initials “O.M.D.” without further clarification, which initials a reasonable citizen of the Commonwealth of Virginia may not recognize as representing “Doctor of Oriental Medicine.”

3. Dr. Syn admitted to the Committee that his professional letterhead and his office sign use the title “Dr. Syn” without any further clarification and that he commonly introduces himself to patients as “Dr. Syn.”

4. Dr. Syn’s advertisement in the 1998 Bell Atlantic Yellow Pages for the Northern Virginia area states that consultation is provided for the following complaints: “depression; swelling of body; chronic fatigue; all chronic diseases; epilepsy; diabetes; paralysis; Parkinson’s; allergies; arthritis; asthma; rheumatism; pain control (back, neck, shoulder, arm, leg, muscle, spine, nerve, bone, knee, etc.); stop smoking; addictions; sinus problem; skin disorder; insomnia; jaundice; constipation; ringing ear; headache; hypertension; itching; hemorrhoids; diarrhea; gastris [sic]; edema; frequent urination; low energy and much more.” Dr. Syn’s advertisement is in part false and misleading in that it appears that he is qualified to treat these ailments. According to the document entitled “World Health Organization List of Diseases and Conditions that Lend Themselves to Acupuncture Treatment,” which Dr. Syn and his counsel submitted to the Committee, few of the conditions listed in the advertisement are recognized diseases and conditions for which acupuncture treatment may be appropriate.

5. Dr. Syn admitted to the Committee that his patient records are in Korean and not kept in a form that is intelligible to another practitioner of acupuncture who is not fluent in the Korean language or to the Board of Medicine, which is responsible for regulating the practices of individuals to whom it issues licenses.

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CONCLUSIONS OF LAW

Based upon its authority in Code Section 54.1-2915.A(3), the Committee finds Dr. Syn in violation of Code Sections 54.1-2914A.(12), (13) and (15), and additionally finds Dr. Syn in violation of Code Section 54.1-2403.01 and Sections 18 VAC 85-110-110(A) and (B) of the Board's Regulations Governing the Practice of Licensed Acupuncturists.

CONSENT

I, Samuel Suk Syn, L.Ac., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal fact-finding hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice acupuncture in the Commonwealth of Virginia.

ORDER

WHEREFORE, with the consent of the licensee, it is hereby ORDERED that this case will be DISMISSED upon Dr. Syn's submission of evidence satisfactory to the Board of the following items:

Samuel Suk Syn, L.Ac.

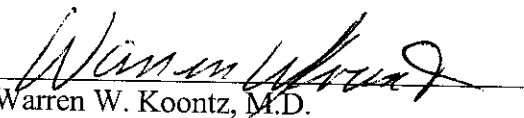
1. Dr. Syn shall cause all professional representations of himself and of his practice to clarify his educational background and the meaning of "O.M.D." as "Doctor of Oriental Medicine." Within sixty (60) days of entry of this Consent Order, Dr. Syn shall submit evidence to the Board of his intention to comply with this term.
2. In any advertisement, brochure or statement to the public, Dr. Syn shall conform the list of diseases and conditions for which he provides consultation and treatment to those listed in the document entitled "World Health Organization List of Diseases and Conditions that Lend Themselves to Acupuncture Treatment." Within sixty (60) days of entry of this Consent Order, Dr. Syn shall submit evidence to the Board of his intention to comply with this term.
3. Effective immediately, when initially introducing himself to patients, Dr. Syn shall state that he is a licensed acupuncturist who also holds the degree of "Doctor of Oriental Medicine." Within sixty (60) days of entry of this Consent Order, Dr. Syn shall submit evidence to the Board of his intention to comply with this term.
4. Effective immediately, on any written description of herbal preparations which Dr. Syn provides to his patients, he shall list the possible side effects of these preparations. Within sixty (60) days of entry of this Consent Order, Dr. Syn shall submit evidence to the Board that this term has been met.
5. Dr. Syn shall maintain his medical records in a fashion which is understandable to any licensed acupuncturist in Virginia, as well as to the Board of Medicine. Within sixty (60) days of entry of this Consent Order, Dr. Syn shall submit evidence to the Board that this term has been met.

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In the event Dr. Syn fails to comply with any of the requirements of this Consent Order, the Board may convene an administrative proceeding to further review this matter and determine whether disciplinary action is warranted.

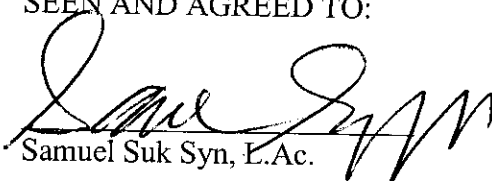
Pursuant to Section 9-6.14:14 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD


Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

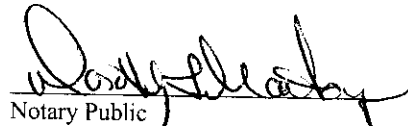
Entered: July 21, 1999

SEEN AND AGREED TO:


Samuel Suk Syn, L.Ac.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 19th day of July, 1999, by Samuel Suk Syn, L.Ac.


Notary Public

My commission expires: 10/31/01

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